



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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September 17, 2009

Department of the Interior
Minerals Management Service
Attn: Leasing Division (LD)
381 Elden Street, MS-4024
Herndon, Virginia 20170-4817

RE: Comments on the Interior Department's Draft Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2010-2015 and Notice of Intent to Prepare an Environmental Impact Statement, DEQ-09-010F

Dear Sir or Madam:

This letter and the attached scoping comments respond to the notices by the Department of the Interior's Minerals Management Service (MMS) requesting comments on the Draft Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2010-2015 and Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the Proposed 5-Year Program (*Federal Register*, Volume 74, No. 12, Wednesday, January 21, 2009, pages 3631 through 3635) and the extension of the comment period to September 21, 2009 (*Federal Register*, Volume 74, No. 41, Wednesday, March 4, 2009, pages 9426 through 9427). The draft proposal is for a new oil and gas program to succeed the current program that is currently set to expire on June 30, 2012, which will be the basis for conducting the studies and analyses the Secretary of Interior will consider in making future decisions on what areas of the OCS to include in the program.

TECHNICAL REVIEW OF ENVIRONMENTAL DOCUMENTS

The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. DEQ is also the lead agency for review of federal consistency determinations prepared pursuant to the Coastal Zone Management Act and the Virginia Coastal Resources Management Program.

Accordingly, DEQ's Office of Environmental Impact Review (OEIR) will coordinate Virginia's review of any NEPA documents and comment to MMS on behalf of the Commonwealth. A similar review process will pertain to federal consistency determinations that must be provided for activities which can affect Virginia's coastal uses and coastal resources, pursuant to the Coastal Zone Management Act (CZMA) (see Federal Consistency below). In order to ensure an effective coordinated review of the NEPA document, we will require 30 copies of the document when it is published. Additional information on the submission of environmental documents may be found on the DEQ-OEIR web page at <http://www.deq.virginia.gov/eir/>.

Federal Consistency under the Coastal Zone Management Act

Pursuant to the Coastal Zone Management Act of 1972, as amended, federal activities affecting Virginia's coastal resources or coastal uses must be consistent, to the maximum extent practicable, with the Virginia Coastal Resources Management Program (VCP) (see section 307(c)(1) of the Act and *Federal Consistency Regulations*, 15 CFR Part 930, sub-part C, section 930.32). Federally licensed or permitted OCS activities must be consistent with the affected state's federally approved coastal zone management plan (subpart E, sections 930.70 *et seq.*). For individual lease sales offshore of Virginia, MMS must provide a consistency determination which involves an analysis of the activities in light of the affected state's coastal zone management plan (CZMP), and a commitment to comply with the CZMP. For consistency reviews in Virginia, we invite your attention to the *Federal Consistency Regulations* cited above, and to Virginia's *Federal Consistency Information Package*, which gives content requirements for federal consistency determinations and certifications. The *Federal Consistency Information Package* may be found at DEQ's web site: <http://www.deq.virginia.gov/eir/federal.html>.

Thank you for the opportunity to comment on the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010-2015 and the Notice of Intent to Prepare an Environmental Impact Statement. If you have questions, please feel free to call me at (804) 698-4325 or John Fisher at (804) 698-4339.

We hope this information is helpful to you.

Sincerely,

Ellie L. Irons, Manager
Office of Environmental Impact Review

Enclosure

5-Year OCS Oil and Gas Leasing Program 2010-2015 and
Notice of Intent to Prepare an Environmental Impact Statement

Ec: Michelle Hollis, DEQ-TRO
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